

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION :  
: 21 MC 97 (AKH)  
: 21 MC 101 (AKH)  
: This Document Relates to:  
: All Actions  
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**NON-WAIVER AGREEMENT**

WHEREAS, the parties to the above-captioned litigation have requested production of documents and information from the United States of America and several of its agencies or components (collectively, the "Government"), including the Federal Bureau of Investigation; and

WHEREAS, the Government wishes to cooperate with the parties to provide reasonably available, non-classified, non-privileged information that is relevant and material to the litigation, while avoiding unnecessary or undue burdens on the Government and preserving all applicable privileges and protections,

IT IS HEREBY AGREED, BY AND BETWEEN THE UNDERSIGNED COUNSEL, that:

1. Any disclosure of a document (or portion thereof) or information by the Government shall not constitute a waiver by the Government of any privilege or other protection that may be applicable to any document (or portion thereof) or information not disclosed.
2. This Non-Waiver Agreement does not constitute an agreement by the Government to produce any particular document or information in the litigation, and is without prejudice to any objections the Government may have to any party's discovery requests.

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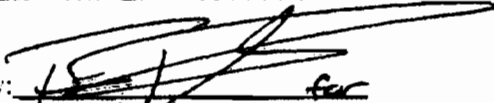
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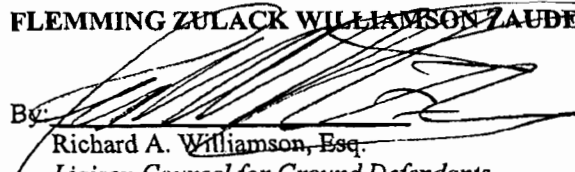
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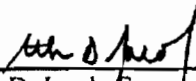
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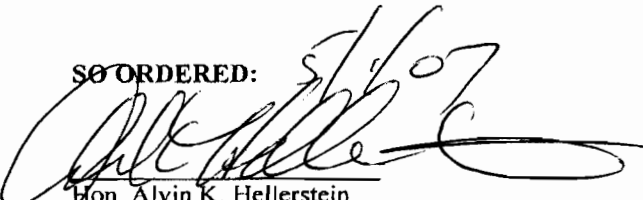
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**SO ORDERED:**

  
Hon. Alvin K. Hellerstein  
United States District Judge